

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

273S0226

## SENATE LOCAL GOVERNMENT ENGROSSED NO. **SB 89** - 1/31/2011

Introduced by: Senators Gray, Nelson (Tom), Schlekeway, and Tieszen and Representatives Kirkeby, Deelstra, Munsterman, Perry, Rausch, and Venner

1 FOR AN ACT ENTITLED, An Act to clarify a municipality's ability to assess a fee for street  
2 maintenance.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 9-45-38 be amended to read as follows:

5 9-45-38. The governing body prior to the assessment of real property within the municipality  
6 for the next fiscal year, may levy, annually, for the purpose of maintaining or repairing street  
7 surfacing or pavement a special front foot ~~assessment~~ fee not exceeding forty cents per front  
8 foot upon the lots fronting and abutting ~~the street~~ any streets within the municipality that are  
9 maintained by the municipality. The ~~assessment~~ fee shall be apportioned on a front foot basis  
10 and levied in the following manner: The governing body prior to the assessment of real property  
11 may, by resolution, designate the lot or portion of lots against which the ~~assessment~~ fee is to be  
12 levied and the amount of the ~~assessment~~ fee to be assessed against each lot or portions thereof  
13 for such purposes; The governing body may directly bill the affected property owner for the fee  
14 in a manner determined by the municipality, or the governing body may direct the director of



1 equalization to add the ~~assessment~~ fee assessed to the general assessment against the property;  
2 and certify the ~~assessment~~ fee assessed together with the regular assessment to the county  
3 auditor to be collected in the same manner as municipal taxes are collected for general purposes.  
4 The ~~assessment~~ fee assessed is subject to review and equalization the same as assessments or  
5 taxes for general purposes. Front foot, for the purposes of this section, means the actual front  
6 of the premises as established by the buildings ~~thereon~~ on the premises, record title, and use of  
7 the property regardless of the original plat.